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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JAMES LEONARD WATERS, JR.,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 2:21-cv-01719-CDS-EJY

**Stipulation and Order**

**(Third Request)**

Pursuant to LR IA 6-1 and LR 26-3, the parties request an approximately 90-day extension of certain discovery deadlines as, and for the reasons, set forth below. This stipulation, which is filed more than 21 days before the earliest deadline to be extended (for initial expert disclosures), is supported by grounds and circumstances below. This is the third request for an extension of the discovery schedule, although the original scheduled provided some additional time; discovery commenced from the filing of the discovery plan rather than Defendant's first appearance.

**DISCOVERY COMPLETED**

The parties have completed the following disclosures and discovery:

1. The parties served their initial disclosures in March and April 2022.
2. Defendant served a first set of Requests for Production and Interrogatories on Plaintiff on March 30, 2022.

1           3.       Plaintiff served responses to such first set of discovery requests on April 22,  
2 2022.

3           4.       Plaintiff served a first set of Requests for Production, Requests for  
4 Admissions, and Interrogatories on Defendant on July 12, 2022.

5           5.       Defendant served responses to such first set of discovery requests on  
6 September 14, 2022.

7           5.       Plaintiff took the depositions of six of Defendant's employees (doctors and  
8 nurses) during the week of September 19, 2022.

9           6.       Defendant requested and Plaintiff provided additional HIPAAs, and  
10 Defendant continues the process of collecting medical records pursuant to HIPAAs.

11          7.       Defendant served a second set of discovery requests on Plaintiff on October  
12 20, 2022.

13          8.       Defendant also sent Plaintiff a letter regarding certain categories of damages  
14 identified in Plaintiff's initial disclosures.

15          9.       The parties have periodically supplemented their initial disclosures.

16                               **DISCOVERY REMAINING**

17          Plaintiff will respond to Defendant's second set of discovery requests and letter  
18 regarding certain categories of damages by an agreed-upon extension date of November 30,  
19 2022.

20          Defendant will take the deposition of Plaintiff and potentially some family members  
21 identified by Plaintiff.

22          Initial and rebuttal expert disclosures remain.

23          Additional medical providers may be identified, and that may lead to additional  
24 HIPAAs for which Plaintiff and Defendant will confer.

25          The parties reserve the right to engage in any other discovery as permitted by  
26 applicable rule and within the discovery window including without limitation the  
27 depositions of expert witnesses.

## WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

Without waiver or admission by the parties, this is a medical malpractice case, and Plaintiff appears to have a complex, lengthy medical history. Defendant continues the process of collecting medical records pursuant to HIPAAs. It would be best to complete collection and production of such medical records before expert disclosures.

Plaintiff and Defendant have been conferring and are engaged in additional discovery related to economic damages (though all relevant issues remain available for discovery); the parties have agreed on extension for Plaintiff to serve responses relating to same. Information and documents in these economic categories are also subjects for expert witnesses to review and evaluate.

The U.S. Attorney's Office remains very busy, having three unfilled AUSA positions in the relatively small Civil Division, with two additional AUSA scheduled to leave before the end of this calendar year.

## EXTENSION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

The following table sets forth the current deadlines and the proposed extended deadlines that are the subject of this stipulated request:

SCHEDULED EVENT	CURRENT DEADLINE	<del>PROPOSED</del> DEADLINE
Initial Expert Disclosures	December 1, 2022	February 28, 2023
Rebuttal Expert Disclosure	January 4, 2023	March 30, 2023
Discovery Cut Off	February 2, 2023	<del>April 29</del> May 1, 2023
Dispositive Motions	March 3, 2023	May 29, 2023

Joint Pretrial Order

April 3, 2023

June 28, 2023<sup>1</sup>

This request is submitted because of ongoing discovery needs and current workloads, not for purposes of undue delay.

Respectfully submitted this 2nd day of November 2022.

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/s/ Danial Laird

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/s/ Patrick A. Rose

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*Attorneys for the United States***IT IS SO ORDERED:**

  
 UNITED STATES MAGISTRATE JUDGE
**DATED: November 2, 2022**

<sup>1</sup> However, if dispositive motions are filed, the proposed joint pretrial order will be due thirty days after the rulings on such dispositive motions.